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TO EXAMINER MATTHEW D. ANDERSON**

TO: Commissioner for Patents
Attn: Examiner Matthew D. Anderson
Group Art Unit 2186
Patent Examining Corps
Facsimile Center
Washington, D.C. 20231

FROM: David W. Victor

OUR REF: 0018.0074
TELEPHONE: 310-556-7983

Total pages, including cover letter: 22

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Description of Documents Transmitted: TRANSMITTAL OF AMENDMENT (+COPY
OF SAME); AMENDMENT

Applicant: D.A. Burton et al.
Serial No.: 09/630,228
Filed: August 1, 2000
Group Art Unit: 2186
Docket No.: TUC920000013US1

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By _____
Name: David W. Victor

FORM PTO-1083

PATENT
TUC920000013US1
0018.0074

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Examiner: Matthew D. Anderson
 D.A. Burton et al.)
 Serial No.: 09/630,228)
 Filed: August 1, 2000) Art Unit: 2186
 For: METHOD, SYSTEM, AND DATA)
 STRUCTURES FOR USING METADATA)
 IN UPDATING DATA IN A STORAGE)
 DEVICE)



Sir:

Transmitted herewith in the above-identified application is an:

Amendment 19 pages.
 No additional fee is required.

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA RATE	ADDIT. FEE OR RATE	ADDIT. FEE
TOTAL	48	MINUS 51	= 0	\$0 OR x 18	\$
INDEP CLAIMS	14	MINUS 14	= 0	\$0 OR x 88	\$
<u>FIRST PRESENTATION OF MULTIPLE DEP. CLAIM</u>					
			+ \$	OR + 300	\$
				TOTAL \$0 OR	TOTAL \$0

Please charge Deposit Account No. 09-0449 the amount of \$ to cover the extension fee and also the amount of \$ to cover the claim fee. A duplicate copy of this sheet is enclosed.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 09-0449. A duplicate of this sheet is enclosed.

Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
 Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

Dated: October 12, 2004

David W. Victor
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David W. Victor

10/12/04
Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 12 2004

Applicant: D.A. Burton et al. Examiner: Matthew D. Anderson
Serial No.: 09/630,228 Group Art Unit: 2186
Filed: August 1, 2000 Docket No.: TUC920000013US1
TITLE: METHOD, SYSTEM, AND DATA STRUCTURES FOR USING
METADATA IN UPDATING DATA IN A STORAGE DEVICE

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David W. Victor

10/12/04
Date

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This amendment is submitted in response to the non-final office action dated July 12, 2004 ("Third Office Action), which was submitted in response to a Request for Continued Examination (RCE). The Examiner allowed claims 2-5, 7-14, 17-20, 22-29, 32-35, 37-41, 44, and 45; found that claims 6, 21, 36, 46, and 48 would be allowed if rewritten in independent form; rejected claim 47 as indefinite (35 U.S.C. §112, par. 2); and rejected claims 1, 15, 16, 30, 31, 42, 43, and 47 as anticipated (35 U.S.C. §102) or obvious (35 U.S.C. §103) over cited art. Applicants amended certain claims, including claim 47 to overcome the indefiniteness rejection. Applicants traverse the prior art rejections and submit that all pending claims 1-48 are patentable over the cited art and in condition for allowance.

Amendments to the Claims are reflected in the listing of claims which begins on page 2.

Remarks/Arguments begin on page 17.